

REMARKS

The indication of the allowability of Claim 26 is noted. No further comments with respect thereto are deemed necessary.

The rejection of Claims 15-25 and 27-30 as being unpatentable over Shirai et al., in view of JP '253 and Crossman under 35 U.S.C. § 103(a) is traversed, and reconsideration is respectfully requested.

Applicant has previously addressed the differences between the claimed invention and herein and the JP '253 and Shirai et al., hypothetical combination. Thus, Applicant incorporates those comments here and will focus attention on the newly cited and applied Crossman patent in relation to independent Claims 15, 28 and 29 directed, respectively, to an electro-mechanical braking device and a method of controlling such a device.

To overcome the acknowledged lack of a locking mechanism in the hypothetical combination, the Office Action reaches into the unrelated field of aircraft brakes by reference to the multiple disk brake shown in Fig. 1 of Crossman. In particular, rotating disks of a brake disk stack are fixed to the wheel for rotation therewith and alternate with fixed brake disks in a manner normally associated with disk brakes. Despite the characterization in the Office

Action (page 4) as to Crossman's disclosure, that brake is not in any way associated with a parking brake, specifically a parking brake that maintains locking even when a braking force command is removed. The only thing that Crossman discloses is that, when an electric current energizes coils 28, 30, the coil housing 26 and freely rotating clutch 46 are mechanically locked. This locking is not maintained when the coils are de-energized.

Absent impermissible hindsight reconstruction, one of ordinary skill would not have looked to the Crossman aircraft braking system and certainly would have found nothing therein to suggest that locking could be maintained in conjunction with an electric parking brake mechanism even after a braking force command had been terminated. That is, notwithstanding the presence of a rotation/linearity movement conversion mechanism in the Crossman aircraft brake, there is nothing else to suggest its use in the combination set forth in Claims 15, 28 and 29, and the claims dependent thereupon.

Accordingly, early and favorable action is now earnestly solicited.

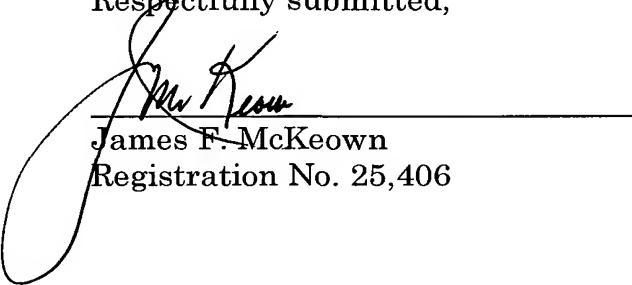
If there are any questions regarding this amendment or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

Serial No. 10/720,481
Response Under 37 C.F.R. § 1.114
Attorney Docket No. 056203.52940US

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (Docket #056203.52940US).

Respectfully submitted,

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